

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

ISAAC J. PEAR, III;)	CIVIL CASE NO: <u>2:23-cv-3555-DCN-MGB</u>
Plaintiff, pro'se.)	<u>JURY TRIAL DEMANDED</u>
)	
-vs-)	
BRANDON STUART LAMB, Claims)	CIVIL COMPLAINT
Associate;)	
ANTONIO C. BATTINELLI, Special)	
Investigator;)	
JOHN DOE#1; Claims Manager;)	
PROGRESSIVE INSURANCE COMPANY,)		
DEFENDANTS, sued in their)		
Individual and Official capacity.)		

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Comes Now, the Plaintiff, (Isaac J. Pear, III) in propria persona and hereby respectfully request this Honorable Court to consider the above stated cause of action. Further, Plaintiff is proceeding in these matters **pro'se** and request this Noble Court to construe these pleadings to a "lesser stringent standard than pleadings drafted by a professional attorney". See. **Haines v. Kerner**, 404 U.S. 519 (1972).

JURISDICTION

Since, Charleston County is the place in which the violation of Plaintiff's Fourth and Fourteenth Amendments took place, this Court maintains jurisdiction over the matters pertained herein.

DEFENDANTS

BRANDON STUART LAMB

Brandon Stuart Lamb is a citizen of the United States of America, over the age of 18, and is a Claims Associate for Progressive Insurance Company. He is charged with the duty of processing clients auto insurance claims.

ANTONIO C. BATTINELLI

Antonio C. Battinelli is a citizen of the United States of America, over the age of 18, and is a Special Investigator for the Claims Department at Progressive Insurance Company. He is charged with the duty of assisting the Claims Associates with investigating clients auto insurance claims.

JOHN DOE#1

John Doe#1, who's name is unknown, is a citizen of the United States of America, over the age of 18 and is the Claims Manager who is charged with the duty to manage and supervise all auto insurance claims handled by Claims Associate Brandon Stuart Lamb.

PROGRESSIVE INSURANCE COMPANY

Progressive Insurance Company is charged with the duty to manage, supervise and oversee all of its employees; namingly all Claims Associates, Special Investigators, and Claims Managers.

STATEMENT OF THE CASE

1. On June 12, 2023, Plaintiff filed an auto insurance claim for the theft and loss of his 2012 Dodge Avenger after reporting the vehicle stolen with the Charleston County Sheriff's Department.
2. On June 13, 2023, Plaintiff was contacted by Claims Associate (Brandon Stuart Lamb), hereinafter Defendant Lamb. He took Plaintiff's statements of the incident and requested Plaintiff to upload him copies of the South Carolina Title of Ownership, Pictures of the Key, South Carolina Auto Registration and Pictures of the Vehicle before the incident.
3. On June 14, 2023, Plaintiff was contacted by the Charleston County Sheriff's Department that the stolen vehicle was found in Awendaw, SC. The Investigating Officer had it towed

and stored at Blue Line Towing in Awendaw, SC, and will be completing their investigation of the incident.

4. On June 14, 2023, Plaintiff notified Defendant Lamb that he was contacted by the Charleston County Sheriff's Department that the vehicle was found and after receiving a copy of the Police Incident Report, Plaintiff sent Defendant Lamb a copy.
5. On June 15, 2023, Plaintiff contacted Blue Line Towing and advised them that he was the Owner of the 2012 Dodge Avenger and that he wanted to come take photos of the vehicle to document its condition. Blue Line Towing then stated to the Plaintiff that they would save me the trip and take the pictures of the vehicle's condition and send them to me, in which they did. Once Plaintiff received the pictures, Plaintiff forwarded copies of the pictures to Defendant Lamb.
6. On June 16, 2023, Blue Line Towing called Plaintiff and stated that "Defendant Lamb contacted them and said he was taking the vehicle and having it transported", and did not provide the place or location as to where the vehicle was going.
7. After Defendant Lamb transported/seized the Plaintiff's vehicle, he then began an assault of interrogational questioning to the Plaintiff and requested a list of everyone in his house, cell phone records, bank statements, income statements, and many other documents. Defendant Lamb stated to Plaintiff that "If you don't give me all the documents and records I want, I will deny your claim and you are not getting your car back".
8. Plaintiff feeling verbally forced to produce the documents requested by Defendant Lamb, placed the Plaintiff in a deep emotional distress, where Plaintiff felt that his constitutional

rights to privacy was being violated and that Defendant Lamb was not following the expectations of the claims employees Code of Conduct under Progressive Insurance by “failing to behave in a professional manner”.

9. Plaintiff was contacted by Special Investigator (Antonio C. Battinelli), hereinafter Defendant Battinelli and he stated that he was following up on the claim and also requested the same documents that Defendant Lamb requested.
10. Plaintiff then advised Defendant Battinelli that he had already forwarded documents to Defendant Lamb and was finish sending any more documents to him or Defendant Lamb. Plaintiff further advised Defendant Battinelli that he was dune being interrogated by him and Defendant Lamb. Defendant Battinelli then told Plaintiff that Defendant Lamb had transported his 2012 Dodge Avenger to Copart, located at 120 Commerce Dr., Harleyville, SC 29448, vehicle stock number 56640493, so that Defendant Lamb can have them sell it for Progressive Insurance Company.
11. Plaintiff received a denial of claim letter dated June 30, 2023 from Defendant Lamb, stating “You have failed to cooperate with us in investigation of this loss”.
12. Plaintiff states that no where in Defendant Lamb’s denial of claim letter or in his Progressive Insurance Contract states that after Plaintiff’s claims were denied that his vehicle would be transported to Copart and placed there to be auctioned and sold without Plaintiff’s permission.
13. Plaintiff did not sign or surrendered his South Carolina Title of Ownership of his 2012 Dodge Avenger over to Defendant Lamb, Defendant Battinelli, John Doe#1, or Progressive

Insurance Company and by failing to contact Plaintiff in regards to this matter has had the Plaintiff property illegally in their possession.

14. Plaintiff has now suffered a violation of his 4th and 14th Amendments of the United States Constitution.

PLAINTIFF DEMAND


Compensatory Damages-\$300,000.00

Punitive Damages-\$200,000.00

Total Amount of Damages:\$500,000.00.

CONCLUSION

Wherefore, Plaintiff seeks Compensatory and Punitive Damages for the violation of his Constitutional Rights and respectfully request this Honorable Court to enter an Order **Granting** any other relief this court deems appropriate **as justice so requires.**

Respectfully Submitted, 
Mr. Isaac J. Pear, III, Plaintiff, Pro'se.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing "Civil Complaint" has been sent by U.S. mail, postage

Prepaid to the below interested parties:

1. Clerk of Court, United States District Court, District of South Carolina, Charleston Division, 85 Broad Street, P.O. Box-835, Charleston, SC 29401.
2. Brandon Stuart Lamb, Claims Associate-SC, Progressive Insurance, 128-Millport Circle, Suite 101, Greenville, SC 29607.
3. Antonio C. Battinelli, Special Investigator, Progressive Insurance, 4130 Faber Place Drive, STE-202, North Charleston, SC 29405.
4. John Doe#1, Claims Manager-SC, Progressive Insurance, 128-Millport Circle, Suite 101, Greenville, SC 29607.
5. Progressive Insurance Claims, 200 Westgate Parkway, Suite-300, Richmond, VA 23233.

So Moved on this 21 day of July, 2023.

Respectfully Submitted, Isaac J. Pear III
Mr. Isaac J. Pear, III, Plaintiff, Pro'se.

Mr. Isaac J. Pear, III
7730-Peggy Drive
North Charleston, SC
29418

Contact: (843) 459-6481.